

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
GREENBELT DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LAMBERT MBOM,

Defendant.

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) Docket number  
) 8:22-00109-PX-3  
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TRANSCRIPT OF SENTENCING HEARING  
BEFORE THE HONORABLE PAULA XINIS  
UNITED STATES DISTRICT COURT JUDGE  
Thursday, February 8, 2024, AT 11:00 A.M.

APPEARANCES:

On Behalf of the Plaintiff:

CHRISTOPHER SARMA, ESQUIRE  
MEGAN McKOY, ESQUIRE  
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On Behalf of the Defendant:

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ALSO PRESENT: Maria Schokman, Probation  
James Moran, FBI

\*\*\*COMPUTER-AIDED TRANSCRIPTION OF STENOTYPED NOTES\*\*\*

## P R O C E E D I N G S

(Court called to order.)

**DEPUTY CLERK:** All rise. The United States District Court for the District of Maryland is now in session. The Honorable Paula Xinis presiding.

(Conference at the bench.)

(It is the policy of this court that every guilty plea and sentencing proceeding include a bench conference concerning whether the defendant is or is not cooperating.)

(The following was held in open court:)

**THE COURT:** All right. Good morning, everyone. And welcome.

This is -- this is a session of the United States District Court for the District of Maryland involving the case of United States v. Lambert Mbom.

I'm going to ask Mr. Ulander to take over because he has some preliminary comments.

**DEPUTY CLERK:** May I have your attention, please. By order of the Court, all electronic devices, including cellular telephones, cameras, recording devices, smart watches and pens, laptops and tablets must be turned off and may not be used in the courtroom without the express permission of the presiding judge.

Counsel in the proceeding, while seated at counsel table, are permitted to use electronic devices as necessary to assist

1 your work here in court.

2 Anyone in violation of the order may be removed from this  
3 hearing and the device may be subject to confiscation and  
4 inspection to determine whether court proceedings have been  
5 recorded, photographed, broadcast or transmitted outside the  
6 courtroom.

7 Thank you.

8 **THE COURT:** All right. Welcome, Counsel.

9 For the benefit of our attendees, would you all -- would  
10 the government announce the case and put your appearances on  
11 the record?

12 **MR. SARMA:** Yes, Your Honor. Case is United  
13 States v. Lambert Mbom, Criminal Case Number PX22-109. We're  
14 here today for a sentencing hearing.

15 Christopher Sarma for the United States of America. I'm  
16 joined at counsel table by co-counsel Megan McKoy, and FBI  
17 Special Agent Jim Moran. Also in the courtroom are FBI Special  
18 Agent Amanda Ruiz, FBI forensic accountant Johanna O'Neil, and  
19 HHS OIG Special Agent Takiyah McWilson.

20 **THE COURT:** Okay. Thank you.

21 **MR. ROBBINS:** Good morning, Your Honor. Gar Robbins  
22 on behalf of Mr. Mbom, who is with me here at counsel table.

23 **THE COURT:** Okay. And good morning to both of you.

24 Mr. Mbom, today is your sentencing. My first question to  
25 you is have you had enough time to view the presentence report

1 with your counsel so we can go forward today?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** Specifically, have you read the standard  
4 and mandatory conditions of supervision that are included in  
5 the presentence report?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** Do you understand them?

8 **THE DEFENDANT:** Yes, I do, Your Honor.

9 **THE COURT:** And if I place you on any kind of  
10 supervision and impose those conditions, do you agree to abide  
11 by them?

12 **THE WITNESS:** Yes, Your Honor.

13 **THE COURT:** Mr. Robbins, any objections to the  
14 mandatory or standard conditions of supervision?

15 **MR. ROBBINS:** None, Your Honor.

16 **THE COURT:** And do you waive the formal reading of  
17 those?

18 **MR. ROBBINS:** We waive the reading of those.

19 **THE COURT:** Okay. Thank you very much.

20 Mr. Robbins, I know this is an expedited presentence  
21 report, but I thought that I had noted in your pleadings that  
22 you are objecting to two guideline adjustments; is that right?  
23 Are you pursuing those?

24 **MR. ROBBINS:** We are, Your Honor.

25 **THE COURT:** You are. Okay. And that is the loss

1 amount and the roll adjustment; is that right?

2 **MR. ROBBINS:** We disagree with both the calculation  
3 of loss and the calculation of roll adjustment.

4 **THE COURT:** Okay. All right. So we'll talk about  
5 those.

6 Any other additions, corrections, or changes to the  
7 presentence report?

8 **MR. ROBBINS:** None, Your Honor.

9 **THE COURT:** Government, same question?

10 **MR. SARMA:** No, Your Honor. We obviously agree with  
11 the adjustments.

12 **THE COURT:** Right. So Ms. Schokman, thank you for  
13 standing in for Ms. Crouch. It's good to see you.

14 Other than the two adjustments that are contested, which I  
15 will reach next, I do adopt the presentence report in total.  
16 It's very good. And I thank Ms. Crouch for a well-done report.

17 **PROBATION OFFICER:** Thank you, Your Honor.

18 **THE COURT:** No problem.

19 So where should we start? The government has submitted to  
20 me in its pleadings and supporting documentation that the loss  
21 amount in this case, I believe, is the same as the requested  
22 restitution amount; is that right?

23 **MR. SARMA:** That is correct, Your Honor.

24 **THE COURT:** And that's \$4,450,588.66, which would  
25 correspond, if credited, to the adjustment of -- upward

1 adjustment at Paragraph 28 that puts it at an Offense Level 27.

2 The defense, I don't -- and let me say this, that number  
3 is based on the claims that were made and proven to be false  
4 and fraudulent to Medicaid that Medicaid paid; am I right?

5 **MR. SARMA:** That is correct, Your Honor. And I  
6 almost thought to put in the briefing, but we are outside,  
7 therefore, what I would say is the bank's issue. Right? This  
8 is all actual -- this is actual loss.

9 **THE COURT:** Right, it's not intended loss.

10 **MR. SARMA:** That is correct, Your Honor.

11 **THE COURT:** Right. It's hard dollars. Okay.

12 Mr. Robbins, let me try to understand your argument, then.

13 **MR. ROBBINS:** Your Honor, the total loss amount is  
14 based on the claims paid to Holy Health. That included claims  
15 paid in a variety of different areas. And, of course, loss  
16 amount is calculated on claims paid, there's no parsing of the  
17 figures, figuring out what services were actually provided,  
18 what services weren't provided. Once you end up in the fraud  
19 category, then all of the claims paid to your entity become  
20 part of the loss amount.

21 So the question then becomes for the fraud that was at  
22 issue in this trial, does that correspond directly to the  
23 claims paid numbers?

24 And the -- the thing that we are focused upon is that the  
25 trial and the area where Lambert Mbom was alleged to have the

1 involvement in false numbers being generated, false claims  
2 being made really was in the area of community services, or  
3 community service worker counseling, and the other community  
4 services work that the agency provided.

5 The other part of the total loss comes from psychotherapy,  
6 and the question is whether or not that part of the billing  
7 falls within the fraud that was alleged against Lambert.

8 And he was -- he was alleged to be the manager/trainer for  
9 consumer service workers. He was alleged to be the one who put  
10 them in the billing system, and to actually approve whatever --  
11 whatever claims came across his desk, which was -- of course,  
12 wasn't the totality of the claims at Holy Health. He was not  
13 the only community service worker claims approval person.  
14 There was another person present.

15 So our -- our argument and our view of the evidence is  
16 that it makes sense to allocate the loss that was within the  
17 context of the government's proof against Lambert Mbom during  
18 the course of the trial, their allegations against him.

19 But with respect to the psychiatric care, and whether that  
20 would be appropriately lodged against him as well, that -- that  
21 seems to be outside the scope of the fraud that was proven  
22 against Mr. Mbom.

23 **THE COURT:** And tell me again why.

24 **MR. ROBBINS:** Because he was -- because the  
25 psychiatric care workers, the psychologists were outside of his

1 purview, if you will. The billing that he was doing, that he  
2 was approving, the workers that he was charged in the  
3 government's case of training and supervising, those were the  
4 community service workers. They weren't -- that wasn't the  
5 professional services in the psychiatric counseling.

6 And so in that scenario, he is looking at -- his exposure  
7 on sentencing is -- is cabined by what he was involved with.

8 **THE COURT:** Or what was reasonably foreseeable to him  
9 as a member of the conspiracy, right?

10 **MR. ROBBINS:** Right.

11 And the other piece of it, he's not really in charge of  
12 what's going on with the psychologists. He doesn't have a  
13 handle on that.

14 And so in that regard, he -- he's more rationally charged  
15 with the amounts that are tied to the community service work.

16 **THE COURT:** Okay. Government. Your response?

17 **MR. SARMA:** Your Honor, I think we can get to the  
18 loss amount requested by the government in two different ways.  
19 The first would be there was testimony from Ms. Foe at trial,  
20 as well as, I believe, Ms. Margolis as well, that Mr. Mbom was  
21 involved in a scheme to pay all patients, not just the patients  
22 there to receive CSW support. And there was testimony from Don  
23 Shearer on behalf of D.C. Medicaid, who said that "if we were  
24 aware of a patient being bribed -- or, you know, being paid the  
25 money, they would not have gotten -- we would not have paid



1 that bill."

2 It is true that the jury acquitted, as to Count Three, the  
3 anti-kickback statute. But the indictment in Count One said  
4 that a part of the conspiracy that Mr. Mbom was alleged to have  
5 engaged in, part of that conspiracy was to bring people in and  
6 pay the five dollars to take their Medicaid and write inflated  
7 bills.

8 So we think that's why it is a proper measure to look at  
9 all of the loss to Medicaid because there was no kind of --  
10 Mr. Mbom was not involved in just suggesting there would be  
11 bribes paid to those just seeking CSW work; the plan was to  
12 bribe everyone.

13 Second, we would contest this idea that Mr. Mbom was just  
14 involved in the CSW part of the conspiracy. He was the program  
15 administer for the entire organization.

16 He -- there was an audio recording, and I attached part of  
17 the transcript to the reply brief I filed yesterday. I  
18 apologize, it was late, but I am responding to an argument that  
19 Mr. Robbins made, where he's saying we need to increase billing  
20 across all kind of types of services provided here, including  
21 nursing, therapy, et cetera.

22 There was not -- Ms. Margolis testified there were not  
23 just CSWs at that meeting. In fact, Ms. Margolis was not a  
24 CSW. And, so, he is advising that there should be inflation  
25 across all sectors.

1 I would also note, and it just came to my attention just  
2 now, Ms. Gatewood is one of the people here who filed a letter  
3 in support of Mr. Mbom in this case. This is Letter 29.  
4 Ms. Gatewood was one of the people -- I think when we talk  
5 about psychotherapy, these aren't necessarily psychiatrists  
6 providing it. It could be a psychologist or someone with a  
7 master's degree providing psychotherapy.

8 Ms. Gatewood was charging on that psychotherapy billing  
9 code, and she describes Mr. Mbom as a supervisor and doesn't  
10 talk about him in her letter as just supervising the CSWs.

11 So I don't think the trial evidence in any way suggests  
12 that Mr. Mbom was only involved in what I'll call the CSW line  
13 of business, and that's why the government believes it's  
14 appropriate to hold him accountable for all of the actual loss  
15 Medicaid suffered during the period when Mr. Mbom was in the  
16 conspiracy.

17 **THE COURT:** So let me ask another question of you,  
18 Mr. Sarma. Your ultimate recommended sentence is 112 months;  
19 am I right about that?

20 **MR. SARMA:** That's correct, Your Honor.

21 **THE COURT:** And in this case, if I were to even -- if  
22 I were to, in theory, even credit the defense's argument, we're  
23 still within the guidelines of where you would be recommending  
24 I place Mr. Mbom; is that correct? Because what I'm trying to  
25 figure out is, at the end of the day, under Rule 32, do I need

1 to even decide this? Because it's -- I -- it takes a little  
2 bit of digging in the record.

3 I think I largely agree with you, and I agree with you  
4 because conspiracy is such that when you're in as deeply and  
5 as -- you know, Mr. Mbom in my view was in the minutia of this.  
6 He was the COO, if you will, of Holy Health, and he was  
7 executing on what Mr. Bakari and Ms. Kabiwa had put together.  
8 I see them as sort of a three-legged stool.

9 So it's hard for me to necessarily credit that I just say  
10 that in this institution that is relatively small in size and  
11 in number of employees, more than five, which we'll talk about  
12 in a minute, that -- that I should just cut off the loss  
13 attributable to the conspiracy.

14 But even if I did, we're still in the range that you're  
15 requesting a sentence.

16 Am I right about that?

17 **MR. SARMA:** That is correct. I think you're -- I  
18 think it might be premature for me to take a position on  
19 whether I need to reach -- for two reasons -- one, I think it's  
20 still relevant to the restitution calculation, so that number,  
21 I think you're going to have to reach.

22 There's also this disagreement we're about to get to about  
23 the adjustment for the leadership role. And that actually has  
24 a bigger swing in this case, because he's not eligible for the  
25 2-point --

1           **THE COURT:** Right. But I see that one, I got to tell  
2 you, as more straightforward, because even if I look at just  
3 the CSWs, it's five or more. Right? I mean, at any given  
4 time, there were more -- the records show that there were more  
5 CSWs total that Mr. Mbom supervised.

6           So, you know, I'm not really sure why I'm not -- you know,  
7 why that has any legs, in my view, because I read the  
8 adjustments -- if the defendant was an organizer or leader of  
9 criminal activity that involved five or more participants, four  
10 levels are added.

11           He was an organizer involving five or more participants.  
12 That's where I am. That's the narrowest, I think, factually  
13 supported reason for the adjustment.

14           Would you disagree with that, Mr. Sarma?

15           **MR. SARMA:** No disagreement here, Your Honor.

16           **THE COURT:** That's what I'm going to talk to  
17 Mr. Robbins about, like, why isn't that accurate.

18           And so in that situation, assume for the sake of argument  
19 that I'm denying that objection, I'm overruling it, I'm  
20 imposing the four levels, then we are in that place where  
21 there's overlap in the guideline range.

22           **MR. SARMA:** Yes, Your Honor, though I think you  
23 still --

24           **THE COURT:** For restitution, you make a good point.  
25 I was going to ask Mr. Robbins what his position is on

1 restitution, because I may not be able to -- sorry.

2 **MR. SARMA:** And I believe -- I apologize for cutting  
3 you off, Your Honor.

4 I think the standard of proof here is also the same. I  
5 mean, I think it's kind of part and parcel here, so --

6 **THE COURT:** Right. Right. Okay. All right. I get  
7 it.

8 Okay. Mr. Robbins, the government raises a good point. I  
9 would assume you're taking a similar position with respect to  
10 restitution that I took to carve out the psychotherapy piece?

11 **MR. ROBBINS:** And I tried to cut the baby in our  
12 letter, as you probably noticed.

13 I believe that there are -- there are issues on parsing  
14 the different loss amounts for restitution. We obviously would  
15 like to see the lower number, but, again, this is one of those  
16 things that it's difficult to -- to find the right balance  
17 point because Mr. Mbom has accepted responsibility, and he  
18 knows that he's responsible for -- he has responsibility for  
19 restitution.

20 And then when we start talking --

21 **THE COURT:** So you're accepting the number, the  
22 restitution number?

23 **MR. ROBBINS:** I think we have -- I think we have to,  
24 Your Honor, because of his view of the world.

25 **THE COURT:** Wait, I don't understand that.

1 The restitution has to be factually based.

2 **MR. ROBBINS:** It has to be factual. And the  
3 difficulty that I have is that at some level, I have a duty to  
4 say, well, do we hit these guidelines accurately for sentencing  
5 purposes? And while the standard of proof I understand to be  
6 the same for both sentencing and restitution, and typically the  
7 number on a loss amount is the same for both sentencing and  
8 restitution, intellectually, I don't see that they have to be.

9 So while we -- while we are challenging the loss amount  
10 for sentencing purposes, we do not challenge the loss amount  
11 for restitution purposes.

12 **THE COURT:** Okay.

13 **MR. ROBBINS:** And I -- and I understand that that's  
14 a -- that's an atypical approach.

15 **THE COURT:** And I'm not sure I can do it, nor -- let  
16 me say this: If I were on the fence at all, I do believe that  
17 the facts of this case support the loss amount and the  
18 guideline adjustment because it was a conspiracy, and, frankly,  
19 a closely held, very interweaved, interwoven conspiracy. And I  
20 do find it's extremely hard for me to separate the yogurt from  
21 the blueberry, as they say, even if Mr. Mbom wasn't directly  
22 involved in every dollar that was obtained.

23 **MR. ROBBINS:** That's part of the hazard of becoming  
24 involved in a conspiracy.

25 **THE COURT:** I'm sorry?

1           **MR. ROBBINS:** That is part of the hazard of becoming  
2 involved in a conspiracy, is that you end up owning perhaps  
3 more than you anticipated.

4           **THE COURT:** Right. Right. Right.

5           **MR. ROBBINS:** We understand that. Nonetheless, we  
6 need to raise the issue.

7           **THE COURT:** I understand that, and I'm going to  
8 overrule the objection, and say this much, which is the reason  
9 I asked the question I did, because as we know, I have  
10 flexibility in sentencing, and that includes avoiding, when I  
11 can, adjustments that I don't need to reach.

12           But in this situation, I would find it to be confusing, at  
13 best, in terms of a record, to say I accept that you are  
14 accepting the restitution amount as the losses caused by  
15 Mr. Mbom's role in the conspiracy, but yet, it's not reasonably  
16 foreseeable under the guidelines.

17           So that having been said, I'm going to deny the objection.  
18 Let me -- I have to do one thing. Sorry about this. Okay.  
19 All right.

20           So that resolves Paragraph 28.

21           Mr. Robbins, I'll hear you on 32. You -- so by Paragraph  
22 32, you know my preliminary thinking on it.

23           **MR. ROBBINS:** I do, Your Honor.

24           And here is the language that we look to in 3B1. And it  
25 really becomes organizer, is the operating term. And the

1 question is the organizer and its -- organizer or leader.

2 Organizer is who puts it together? Who stands this operation  
3 up? Who makes -- who makes the thing in the first place?

4 That's the organizer.

5 The leader is the person at the top.

6 In this case, both of those roles are held really jointly  
7 by the Bakarlis.

8 Is, in -- you use the words chief operating officer. Is  
9 Lambert Mbom the functionary that makes things move on a  
10 day-to-day basis?

11 **THE COURT:** But he's directing them, he's writing  
12 procedure. He's --

13 **MR. ROBBINS:** And that's captured by manager and  
14 supervisor.

15 **THE COURT:** Right. But so is it under organizer,  
16 five or more people.

17 You don't dispute that there were five or more CSWs during  
18 the course of the conspiracy for which fell under Mr. Mbom's  
19 leadership, do you? Or organizer-ship?

20 **MR. ROBBINS:** What I dispute is that he didn't have  
21 the organizer-ship. He didn't put that group together. He  
22 was --

23 **THE COURT:** You mean because he didn't hire them?

24 **MR. ROBBINS:** That -- that was set up and running  
25 when he was hired.



1           **THE COURT:** Right, I understand that. But then he  
2 was hired, he -- he joined this conspiracy. He may have  
3 initially resisted it, that's how I'm seeing it, and tried to  
4 change it. But then if you can't beat them, join them, at  
5 which point he was the person --

6           **MR. ROBBINS:** He was the manager, he was --

7           **THE COURT:** -- directing and assisting those CSWs who  
8 were faking the records.

9           **MR. ROBBINS:** He was the manager or supervisor, Your  
10 Honor. The plain English meaning of the words in the  
11 guideline, he's the manager or supervisor. That's clear. He's  
12 there. He's -- he's the one --

13           **THE COURT:** He didn't organize them?

14           **MR. ROBBINS:** He did not organize them.

15           **THE COURT:** Okay.

16           **MR. ROBBINS:** He is -- he is certainly -- you know,  
17 the tape that the government refers to, he's there -- even  
18 there, he's saying, "We should be known for the services we  
19 provide, not for the fact that stipends get paid somewhere. We  
20 should be doing services."

21           So he's clearly trying to be a manager. He's trying to  
22 change things. But he's also facilitating in a lot of -- in a  
23 lot of ways that equate to criminal conduct. And that's what  
24 he had to come to accept, was what he was doing is the  
25 commission of a crime.

1 But when you look at the plain language of aggravating  
2 role, he is in the role of manager or supervisor. He is not an  
3 organizer. He didn't put the group together. And he's not a  
4 leader. Both of those are filled by the two Bakaris.

5 And that's the problem, and that's also where five or more  
6 people are otherwise involved. The system that was set up by  
7 the Bakaris was extensive. He can't walk away from those three  
8 points, Your Honor, and he couldn't -- and shouldn't, properly.  
9 But to try to allocate the four is inappropriate.

10 **THE COURT:** Okay. Government?

11 **MR. SARMA:** We rest on our papers, unless there's  
12 additional questions on this issue.

13 **THE COURT:** Well, tell me in your view what -- why  
14 it's an organizer of five or more CSWs. What -- what  
15 particular facts would you point to where this distinction that  
16 Mr. Robbins is making is really not factually -- it's not  
17 consistent with the facts?

18 **MR. SARMA:** I would go to -- I guess, it's  
19 Application Note 4.

20 First, I would note under Application Note 4 that there  
21 can be more than one organizer. I think --

22 **THE COURT:** Sure.

23 **MR. SARMA:** Mr. Robbins, I think, is conflating that.  
24 I don't think we have to choose between who is the single --  
25 who is going to be the one here to get four points and who is

1 going to get three points. I think they may all -- if the  
2 facts support it, you know, we'll -- they could all get four  
3 points.

4 There's then discussion here, the claim rights to a larger  
5 share of the fruits of the crime.

6 You know, I think there's a debate in the record about who  
7 got paid what, but we did enter evidence, including with our  
8 preliminary order of forfeiture, that Mr. Mbom received  
9 \$250,000 during the course of the conspiracy, which is a fair  
10 and large amount of money, if you consider the amount taken  
11 from Medicaid, as well as the money that was being paid out as  
12 bribes.

13 There's also discussion here about the ability to exercise  
14 discretion and the degree of control and authority exercised  
15 over others.

16 He was the one, for example, providing fake sample notes  
17 to Fru Nde. He was the one providing the fake notes to  
18 Mr. Nde -- or the names to Mr. Nde to write the fake notes. He  
19 was in ICAMs.

20 There was testimony from both Special Agent Moran, as well  
21 as Ms. Margolis, about when there were discrepancies in the  
22 system, Mr. Mbom was the one who went in and changed notes in  
23 ICAM.

24 There was testimony from Ms. Foe where she said that she  
25 had written these, quote/unquote, cell phone notes about

1 providing cell phones to consumers. And that because she was  
2 not in the country legally, she could not have an ICAMs number.

3 Mr. Mbom was the one who then put them under Ms. Kabiwa's  
4 name.

5 So I think the fact that he was working directly with the  
6 employees in the scheme and on the ground to kind of help  
7 create the -- the appearance of propriety would go towards  
8 establishing that he was a leader in this -- in this case.

9 I would also note, there is -- it didn't come out at  
10 trial, because Mr. Bakari was not a defendant, I am sure at his  
11 sentencing this will come out, Mr. Bakari was away for large --  
12 you know, for certain portions of the conspiracy. He was in  
13 Cameroon. I think in COVID is when he got stuck in Cameroon.

14 There was also, and Your Honor heard this at Ms. Bakari's  
15 sentencing, Ms. Bakari, to a certain extent, was focused on  
16 doing work outside of Holy Health at the Agatha Foundation. To  
17 the extent that was a legitimate organization or not, that's  
18 still a discussion to be had.

19 But Mr. Mbom was the one on the ground, and that's why the  
20 government thinks the evidence is appropriate here for the  
21 four-point enhancement.

22 **THE COURT:** Okay. All right. Yes, I mean, I agree.

23 Well, let me ask one other question, Mr. Sarma, that is  
24 bothersome to me. Mr. Robbins' request is actually for three  
25 levels, not two. So in recognition that, you know, this is not

1 a -- this adjustment can be refined somewhat and not be used as  
2 a totally blunt instrument, and to your point that you can have  
3 more than one leader, you can also have people who kind of live  
4 in a netherworld of not an organizer -- not an organizer of the  
5 top of the heap, but not a manager either.

6 What's your response to that?

7 **MR. SARMA:** My response would be the government's  
8 evidence, based on the investigation, the evidence at trial,  
9 was that -- when we're talking about the organizer of the  
10 criminal activity, it was Mr. Mbom. Right?

11 I think Mr. Bakari -- I'm not going to buy myself to my  
12 recommendation in that case yet, but, you know, Mr. Bakari was  
13 the CEO. It's going to be harder for me, quite frankly, and  
14 I'll say it now, I'll have to think about it, to say that he  
15 was a constant organizer of the criminal activity, which is  
16 what this guidelines is really talking about.

17 **THE COURT:** Right.

18 **MR. SARMA:** Because I don't think he even had an  
19 ICAMs account, or knew how ICAMs worked, quite frankly, whereas  
20 Mr. Mbom did have technical know-how.

21 **THE COURT:** So they worked together. This is a case  
22 in which factually it was really in tandem, different roles,  
23 but at the top.

24 **MR. SARMA:** Right. Maybe it's the COO and the CTO,  
25 could be another way to think about it.

1           **THE COURT:** Got it. Okay.

2           I mean, I tend to agree with you. Again, I see the  
3 guidelines as important. I have to calculate them, but they  
4 are a benchmark. They are not -- they are not the driver, the  
5 ultimate driver of this sentence, and I have to be faithful to  
6 what I see as the facts supporting the guideline.

7           And in this case, I do agree that the way that the facts  
8 have borne out, is that, as I mentioned earlier, I do see  
9 Ms. Kabiwa -- well, Mr. Bakari, from what I know of him so far,  
10 and Mr. Mbom as being very much integrated, and that Mr. Mbom  
11 had a boots-on-the-ground role with regard to the CSWs.

12           I don't see there to be a legal distinction here. He  
13 organized them. And to the extent he led them, because he was  
14 the one directing, is the only word that I can think of, of how  
15 to fake the Medicaid -- the records so that Medicaid would pay  
16 for work not performed, I do find that the four-level  
17 adjustment is warranted.

18           So I'm not going to -- I'm overruling that objection as  
19 well, and I'm not going to make any change.

20           Okay. That said, we'll move on to the next questions I  
21 have for you all.

22           Government, is there any representatives of your victim,  
23 which I see to be Medicaid, here that wishes to address the  
24 Court or provide any other information?

25           **MR. SARMA:** Give me one minute, Your Honor. I just

1 want to confirm one more time with the rep.

2 **THE COURT:** Sure. Okay.

3 **MR. SARMA:** No, Your Honor.

4 **THE COURT:** Okay. All right. And Mr. Robbins, I see  
5 that there are a number of supporters of Mr. Mbom here, and I  
6 have read all 25 letters that were submitted. They were very,  
7 very helpful and moving, and I appreciate them. Is there  
8 anyone who wishes to be heard today?

9 **MR. ROBBINS:** We considered that, Your Honor, and  
10 we've decided that you -- knowing you, we knew you would read  
11 all the letters, so no one will need to be heard today aside  
12 from Mr. Mbom himself.

13 **THE COURT:** Okay. Very good.

14 All right. Government, let's start with you.

15 **MR. SARMA:** May I speak from the podium, Your Honor?

16 **THE COURT:** Of course.

17 **MR. SARMA:** Thank you, Your Honor.

18 And some of what I'm about to say Your Honor heard during  
19 Ms. Kabiwa's sentencing, as to the scope of the conspiracy, but  
20 I think it's important to say it again here, because the record  
21 would also -- because we have a new defendant here, and we have  
22 a lot of people who are very concerned about Mr. Mbom, which I  
23 do -- the government totally appreciates, and I think it's  
24 important for them to understand it as well.

25 **THE COURT:** Absolutely.

1           **MR. SARMA:** The way I think about it is when you talk  
2 about the nature and the circumstances of the offense, you have  
3 to think both about just how terrible this criminal enterprise  
4 was. And we spent a lot of time just now talking about the  
5 loss amount, because that's how the guidelines requires us to  
6 calculate the damage here.

7           I often find that that is an odd way to measure harm in  
8 the context of Medicaid because the point of Medicaid is to  
9 help those in our society who don't have the financial  
10 resources to have health insurance.

11           And I often don't like to bring up personal stories, but I  
12 will just say my father was a physician who focused on Medicaid  
13 patients, and I'm very well aware that it is hard for people  
14 who are low income to get quality care. And, oftentimes,  
15 because of their financial position, they have a lot of issues  
16 that required medical care.

17           And I think that was definitely true with the population  
18 of D.C. that Holy Health should have been helping, and they  
19 simply failed to do that.

20           And we attached, you know, the testimony from the grand  
21 jury of Ms. Williams. Ms. Williams had a son who was killed.  
22 She had serious issues in her life. She was working at the  
23 direction of the FBI, but the FBI did not tell her to go grab  
24 juicy nuggets. She said just go in there and be yourself. And  
25 they didn't help her and they could have. And that happened



1 time and again.

2 We could have played hours of video testimony of people  
3 sitting in waiting rooms waiting to be seen by someone, and  
4 they never were. And that's a huge damage.

5 There was also testimony from Ms. Foe at trial that the  
6 defendant was aware that the money that was being handed to  
7 these people, many of them who had substance abuse problems,  
8 led to them buying drugs, using drugs on the premises, only  
9 exacerbating the problems. And that is truly despicable.

10 And on top of that harm, the result is a continued  
11 skepticism towards the Medicaid program, a really important  
12 program.

13 And so we can talk about the millions of dollars Medicaid  
14 is out, but it's really just a target at the community that  
15 this is going on.

16 As to Mr. Mbom, and we've discussed this, he was really  
17 the man on the ground. He was the one directing people to  
18 engage in this fraud, teaching them to be fairly -- we did not  
19 seek a sophisticated, you know, means enhancement here, but  
20 there was very sophisticated use of the ICAMs system, how to  
21 bill time; how to -- there was a lot of testimony at trial  
22 about how he taught employees to say that they were working in  
23 the field, even though they were, in fact, working in the  
24 office, to avoid detection.

25 There was discussion about how you start the session at

1 3:01 and say you ended it at 3:56 so you can bill for the four  
2 units. But, because of, you know, all the claims that have to  
3 be reviewed, they are never going to catch on.

4 I will note that Mr. Forka testified about a fake letter  
5 that he wrote to DBH that was made at the direction of  
6 Mr. Mbom, when DBH started asking questions about how the heck  
7 is Mr. Forka seeing all of these people?

8 There was CSW messages that were put on at trial about  
9 Mr. Mbom directing CSWs to pump out letters.

10 I will also note that he was the one, according to  
11 Ms. Foe's testimony at trial, who came with the -- up with the  
12 idea to use the Agatha Foundation to kind of paper the bribes.

13 And I will also note, because this came out at trial, that  
14 although Mr. -- when Mr. Mbom provided his phone to law  
15 enforcement, he had deleted out nearly all of these inculpatory  
16 messages that he had with Mr. Senesie.

17 And so were it not for the FBI being able to use a program  
18 and then -- and recovering them. By the way, the way WhatsApp  
19 is set up, the message gets scrambled when you delete the  
20 message, so our agents had to sit there and parse it. And we  
21 didn't get to show all the messages because it's rather  
22 confusing to the jury, even if we could figure it out, to play  
23 a long, scrambled message.

24 As to history and characteristics, I noted in my -- in my  
25 sentencing memo, there are a lot of cases that Your Honor hears

1 in this district, unfortunately, you have young men who do not  
2 have a lot of educational opportunities who find themselves in  
3 trouble. This is not that case.

4 This is a highly-educated individual. He has a degree  
5 from Columbia. He has a degree from the Catholic University.  
6 He was in his forties at the time of the commission of the  
7 crime. He could have had a legitimate job, made legitimate  
8 money. You know, he could have gone to a different  
9 organization. He stayed at Holy Health. He could have gone  
10 elsewhere. There was plenty of opportunities for him, and he  
11 did not take advantage of them.

12 You know, I really -- I also read the letters. I do  
13 recognize there's support for him in the community, but I do  
14 think life can be complicated. And I think the fact is, there  
15 was testimony from people like Fru Nde, who was essentially  
16 duped by the defendant, you know, to thinking what he was doing  
17 was allowable, when it wasn't.

18 You heard testimony from Ms. Foe and Ms. Margolis raising  
19 concerns about illegal practices at Holy Health, and Mr. Mbom  
20 disregarding those practices, which I find troubling.

21 I would also note, I don't want -- I'm not going to name  
22 the person who wrote this letter, I just -- as an example of  
23 how people can do different things, I'm citing here from Letter  
24 60, the quote is, "Honesty is a defining trait of Lambert's  
25 character. He conducts himself with transparency and honesty

1 in all interactions."

2 I would say we have years of evidence at this -- in this  
3 case where that was not -- that's not a universal truth about  
4 Mr. Mbom. This case was about telling the truth.

5 And I do think even though in other interactions in his  
6 life, he may have been truthful, he clearly was not here.

7 And I also would point out, unlike a violent crime case or  
8 a felon in possession case, we're talking about a one-off  
9 incident, right, this is not just a one-off robbing a bank, he  
10 got up every morning for many years and engaged in this fraud.  
11 I think that deserves a proper punishment.

12 As to respect for the law and deterrence and public  
13 safety, I think we already talked about how serious this crime  
14 is. I won't repeat that.

15 In terms of like -- you know, we cited -- I know general  
16 deterrence is an ever-puzzling issue. Does it exist? Does it  
17 not exist?

18 **THE COURT:** Does it exist? Right.

19 **MR. SARMA:** I do find, I think I cited to  
20 Judge Posner's opinions, other opinions, I do think there is an  
21 internal logic that these are economic crimes where people are  
22 deciding is it worth stealing money when the risk of getting  
23 caught is low?

24 And so I think there's a deterrent effect for -- for large  
25 sentences here.

1 And I did not cite this. I was reading about it this  
2 morning. I think that was one of the stated policies, the one  
3 the DOJ tax division proceeds on enforcement: The fear is you  
4 can't go after every single person who evades taxes, but if you  
5 bring charges, it actually increases compliance. And maybe at  
6 some later date, I find the right study and attach it to a  
7 memo, we can have that discussion.

8 Lastly, I will say that even when he began -- and this  
9 was -- this was a -- these were clips provided -- or introduced  
10 at trial. When he was first asked by law enforcement, after  
11 his arrest, about some incidents, he also was not forthcoming  
12 then, you know, a time when he could have been truthful.

13 I noted that -- and this was at Exhibit T1C, he told  
14 Special Agent Moran that he didn't know that Mr. Forka was  
15 really committing the fraud because Mr. Forka was often in the  
16 field, which is what he had also told Mr. Forka to say.

17 He also said that he did not approve notes that Mr. Nde  
18 had submitted for services purportedly provided before Mr. Nde  
19 had joined the company. We know that's not true.

20 I also noted -- and I also found this a troubling  
21 statement he made to Special Agent Moran, that when he began to  
22 suspect Mr. Forka of committing fraud, he trimmed Mr. Forka's  
23 salary, which is -- he was, you know, continuing to allow Holy  
24 Health to steal money from the government, but then keeping it  
25 for himself or the owners or someone else and not giving it to

1 Mr. Forka rather than reporting it to the government or giving  
2 it back.

3 Lastly, briefly turning to unwanted sentencing  
4 disparities, because I know Mr. Robbins raised that there's  
5 been one codefendant sentenced in this case. That codefendant  
6 received 20 months. That -- which I think was slightly below  
7 what the guidelines were in that case. There was a lot of  
8 other issues. I don't think that's --

9 **THE COURT:** Yes.

10 **MR. SARMA:** -- a good comparator in this case, and so  
11 I would not base -- I don't think that should be a  
12 consideration here.

13 **THE COURT:** Yep.

14 **MR. SARMA:** Unless Your Honor has additional  
15 questions?

16 **THE COURT:** Thank you.

17 **MR. SARMA:** Thank you.

18 **THE COURT:** Mr. Robbins?

19 **MR. ROBBINS:** Thank you, Your Honor.

20 This is a difficult case in many ways. Every case has its  
21 own difficulties. But the difficulty in this case is that  
22 Lambert Mbom is in a very different place today than he was the  
23 day before the jury returned its verdict. And he is not here  
24 to deny the criminality of the conduct of Holy Health.

25 **THE COURT:** Just so I'm clear, I mean, this is an

1 effective appeal waiver of conviction, right?

2 **MR. ROBBINS:** It's an effective -- and Mr. Mbom and I  
3 have talked extensively about that.

4 **THE COURT:** Okay.

5 **MR. ROBBINS:** And that decision was made at some  
6 level when he made the decision not to seek a new trial. He  
7 was prepared to accept the conviction of the jury.

8 In fact, had we not done any of this in open court but the  
9 government only sought to rely on the statements that he made  
10 in public after his conviction where he -- where he  
11 acknowledged being convicted for activity for which he was  
12 responsible, that -- that is a watershed moment in a lot of  
13 ways.

14 It is also ultimately clear that the program in which this  
15 fraud occurred is fraught with problems. There is a huge range  
16 of issues there, and the losses to this program impact the  
17 population that can least afford the impacts. And that weighs  
18 on Lambert Mbom.

19 Those people are the reason that he got involved in this  
20 work -- this line of work, or one of the important reasons that  
21 he got involved. He has had to deal with that as well.

22 So much of what the government says, we don't argue with.  
23 We may quibble with details with who was the leading cause of  
24 something. Was Senesie a friend of Bakari's first, and is that  
25 how he got involved? And does that whole range of activity,

1 did we fight that?

2 But that's not important. It is not important to what we  
3 are here today to talk about.

4 And that is, what is the -- what is the right answer, from  
5 a societal perspective, to address an individual like Lambert  
6 Mbom who got involved in the criminality that he got involved  
7 in, that committed the offenses that he committed? And that's  
8 a hard question to answer.

9 And we do talk about proportionality, and we do talk -- it  
10 is in our memo, and we do talk about it here. Because  
11 historically, across the United States, when you look at fraud  
12 cases, the sentencing guidelines typically overstate what the  
13 courts find to be appropriate.

14 So how does the Court figure out what is appropriate? And  
15 there are two touchstones that are important here.

16 One is to look at the overall character and life history  
17 of the individual. That's important not in a direct -- you can  
18 find it in a guideline way. It's the guideline that's -- the  
19 background of the individual is not important. But it's  
20 important because it tells you what his pattern of conduct is,  
21 and it lets you see that beyond this being just a no-offense  
22 situation, this is an individual who has dedicated his life to  
23 helping others. And that becomes important because it helps  
24 explain how he got involved with Holy Health in the first  
25 place.



1       It doesn't explain his acceptance and involvement in the  
2 criminal activity other than the -- the seduction of getting  
3 along, other than --

4               **THE COURT:** Would you agree, though, Mr. Robbins --  
5 let me just sort of say this because it's been rattling around  
6 in my brain. I don't have any evidence before me right now  
7 that there was a whole lot of therapy given or treatment given  
8 at Holy Health. I have a whole lot of fraud, but -- but, you  
9 know -- and I totally credit that Mr. Mbom has done so much for  
10 other people in other places at other times throughout his  
11 life. Those letters are clear to me.

12       But it doesn't seem to have been a place of really any --  
13 any true therapy that was given.

14       Am I -- am I missing something?

15               **MR. ROBBINS:** There were -- I believe that that is a  
16 more -- it's a harsher assessment of what was happening than  
17 reality. I think that it was, like many agencies where the  
18 government has farmed out its functions to private entities and  
19 created a system of payment --

20               **THE COURT:** Of what? I'm sorry, I didn't catch that.

21               **MR. ROBBINS:** Of payment and structure that perhaps  
22 doesn't address the problem. There was an under-deliverance of  
23 service.

24       If -- if you think back to the snippets of video that we  
25 saw in trial, Holy Health had a lot of consumers coming and

1 going. Something was happening there. Was it effective? We  
2 don't have evidence of that, no.

3 But was it an attempt to do something? Was there an  
4 attempt on the part of the counselors to do something? Was,  
5 even for that matter, the government's witness, the manager of  
6 the other site, was her whole point "We're supposed to be  
7 trying to do things, I'm trying to do things, I'm setting up  
8 phones"?

9 There were things happening. Were they less than  
10 effective and overclaimed? That is -- that's where the fraud  
11 comes in.

12 But there were things happening, and the reason to get  
13 involved was to try to do good.

14 Now, the other part of it, the Bakari-Senesie scheme, I  
15 don't think there was any evidence of anything happening with  
16 those claims.

17 And, remember, those were approved by Wendy Soh because  
18 Betty Gatewood and Lambert Mbom wouldn't approve the CSW  
19 reports coming from the Senesie writers because they -- so  
20 there -- that was part of the fight. Again, not -- not a  
21 question on guilt/innocence, but part of are they really trying  
22 to do something.

23 Lambert was trying to do something.

24 **THE COURT:** Okay.

25 **MR. ROBBINS:** And while I'm on that topic, back in

1 the late '70s, early '80s, in this country, as we looked at our  
2 business and industry, there was a panic that the Japanese  
3 model was overtaking and would supplant U.S. industry. Even  
4 though it was a smaller country, they were creating better  
5 products. And there was a scramble to find out what was going  
6 on.

7 And if you remember from your management courses back in  
8 school, there was the Deming method, and the total quality  
9 management and continuous improvement. And all of those  
10 methodologies were embraced at both the industrial level and  
11 the government level. A lot of that language has been  
12 transferred into a lot of things we talk about. Stakeholders,  
13 all of that stuff has come forward for 30 or 40 years.

14 The problem is that all of that stuff only works if you've  
15 got a commitment to improvement at the top. And it doesn't  
16 work if the problem you're trying to resolve is illegality.

17 So it's a -- it's a -- when I talked about the seduction,  
18 part of it is the seduction of, well, I'm trying to make things  
19 better. And it just doesn't work. You can't just make things  
20 better if you --

21 **THE COURT:** But you could leave. I mean, you could  
22 leave.

23 **MR. ROBBINS:** Well, that is the point.

24 **THE COURT:** Like I said, the theme of this is, if you  
25 can't beat them, join them. And that's a problematic thing.

1           **MR. ROBBINS:** And that is exactly the problem of why  
2 he has accepted his criminal responsibility.

3           His answer was, leave and make a report. That's what his  
4 answer should have been.

5           **THE COURT:** Uh-huh.

6           **MR. ROBBINS:** And it was not. He failed. And he  
7 knows that.

8           But the question now is, how does he put himself back on  
9 track, as a 50-year-old man, with a history of contribution to  
10 the community, of leadership and helping others, who has  
11 committed this massive event? This hurt a lot of people.

12           He's written a statement to the Court. He has put  
13 together a plan of how he hopes to use his time in confinement,  
14 because he, frankly, expects to spend time in confinement.

15           He's not here asking the Court to look the other  
16 direction. He doesn't. He wants to find a way, as a  
17 50-year-old man, with his personal responsibilities, with his  
18 sense of wanting to help -- continue to help his community that  
19 he's leaving a hole in, and help society at large, how is he  
20 going to do that?

21           We had argued for a sentence much lower than where the  
22 guidelines come in, even lower than what the United States says  
23 is an appropriate sentence. And the reason that we've chosen  
24 that range is that that range gives the Court a chance to say  
25 this type of action is not something that we, as a nation of

1 laws, can look away from. But we also have the wisdom and the  
2 ability to say here's an individual who can do something to  
3 make it better in the future. And warehousing him for an  
4 extending period of time achieves nothing for our societal  
5 purpose.

6 We need -- we need a serious punishment. And a sentence  
7 of between 20 and 30 months is a huge sentence for a man at 50  
8 years old with children at home, one of them with special  
9 needs. And he's going to be missing a big chunk of their life.  
10 It's a huge sentence for a man who has dedicated his life to  
11 supporting organizations and a community that's making its way  
12 in the United States.

13 That's a -- that is a significant and serious sentence.  
14 It expresses the view of the United States that this was a  
15 serious offense.

16 But the next part of it is, how does he get to the point  
17 where he's becoming a productive member of society again, where  
18 he's doing something for the good of all of those different  
19 constituencies that he has? And how do we do that with the  
20 least negative impact on the United States, frankly? Because  
21 the question is, what does the United States gain from an  
22 extended sentence?

23 We suggest that the 20 to 30-month sentence gives an  
24 opportunity to express displeasure, to express criminal  
25 culpability and criminal liability, but then with an extended

1 period of supervised release, and with the plan that Mr. Mbom  
2 has put together for his time incarcerated, and that will  
3 continue after he's released.

4 We could put him in a position where he can start to  
5 return to the society some of the loss and the damage that he  
6 has caused.

7 Thank you.

8 **THE COURT:** Thank you, Mr. Robbins.

9 Anything else before I turn to Mr. Mbom?

10 **MR. SARMA:** I think there was some slight factual  
11 inaccuracies. I just want to make the record clear, if I may  
12 just very briefly, Your Honor.

13 **THE COURT:** Sure.

14 **MR. SARMA:** First, I do believe there is -- I think  
15 there was some suggestion that there is a separate scheme  
16 involving the Bakaris and Mr. Senesie. I think there were a  
17 lot of texts between the two. I think there were some notes  
18 approved by Mr. Senesie. I would have to go back into the  
19 record for that.

20 Second, I would point out there was a question about the  
21 services provided, were there actual services being provided.  
22 I think the best record evidence you could look to would be  
23 Exhibits S1 through S3. Those were the summary exhibits that  
24 Ms. O'Neil, I believe, or maybe Mr. Moran -- Agent Moran  
25 testified at trial, where you essentially have all this billing

1 related to our CHSs, where the CHSs had not shown up for  
2 months. So there's clearly billing going on.

3 So you could also -- I reference this, but from the  
4 videos, there's -- there is a crowded waiting room, and no one  
5 is doing anything.

6 Mr. Robbins suggested well, they must have been doing  
7 something because everyone was there.

8 The reason why everyone was there was because they were  
9 getting a free ride and getting paid, and then going back. So  
10 it was a way for these folks to make money.

11 So those are the -- I just wanted to make the record clear  
12 as to the idea there.

13 **THE COURT:** Yeah.

14 **MR. SARMA:** I will rep -- the government did not  
15 see -- we would have, potentially as Brady, or, you know,  
16 something, would have to disclose if --

17 **THE COURT:** Well, did you seize all Holy Health  
18 records? Like, all treatment records and all -- or was the  
19 sort of seizure more targeted than that?

20 **MR. SARMA:** I was not the AUSA at the time. Can I  
21 just briefly ask Special Agent Moran to confer?

22 **THE COURT:** Okay. Sure.

23 **MR. SARMA:** Thank you, Your Honor.

24 Special Agent Moran was there at the execution of the  
25 search warrant at North Capitol, the main location. They said

1 that they did not seize any patient records at the time. He  
2 also says he doesn't recall even seeing patient records, which  
3 would -- yeah.

4 **THE COURT:** Right. So --

5 **MR. SARMA:** And maybe one other -- one other thing to  
6 add. I think there was a discussion of just going along. I  
7 would also cite in the record the recording of Ms. Margolis  
8 that was played at trial.

9 Mr. Bakari briefly speaks in that recording, but Mr. Mbom  
10 is the one who says, "I've created the budget. We need" -- I  
11 think it was 400 -- "We had 200 services last year, we need 400  
12 services a week this year, and it needs to be across nursing,  
13 therapy," et cetera, et cetera.

14 And the government argument was that was a call that "we  
15 need to bill for 400 services," it was not that "we need to  
16 actually provide 400 services."

17 **THE COURT:** I.e., "I created the budget." Okay. I  
18 get it.

19 All right. Thank you.

20 Okay. Mr. Mbom, it's now -- I have read your letter and  
21 all the letters of your supporters. But it's now your  
22 opportunity if there's anything you wish to say before I impose  
23 sentence.

24 You do not have to speak. You have the absolute right to  
25 remain silent, and I will not hold your silence against you.



1 But if there is anything you wish to say, now would be the  
2 time.

3 **THE DEFENDANT:** Your Honor, thank you very much. I  
4 really want to appreciate the opportunity to be able to address  
5 the Court. And I want to just start off -- and I pray, just  
6 give me some more time than is normally allotted because I know  
7 I promised to make it under four minutes, but I'll try.

8 **THE COURT:** Okay.

9 **THE DEFENDANT:** I stand before you today filled with  
10 a lot of remorse for the crimes that I have committed. Last  
11 August, I was here, six days, with you all, and the jury found  
12 me guilty to a fraudulent Medicaid scheme.

13 Ever since that criminal conviction, I have been  
14 meditating on the path forward, how to amend.

15 But while I was doing this, I was reminded by philosopher  
16 Søren Kierkegaard who said life can only be understood  
17 backwards, but life must be lived forward; life can only be  
18 understood backwards, but must be lived forward.

19 But at the same time, looking backwards, in order to live  
20 forward is the best way to do it.

21 And because I'm a Catholic, I had to go back again to look  
22 at my Catholic faith. And one of the gifts the Catholic faith  
23 has given me is a sacrament called the sacrament of confession.  
24 It is what is called a sacrament of penance and reconciliation.  
25 It's, I think, one of those few sacraments that has to be --

1 but I want to focus with that, because with sacrament, it ties  
2 in all that I want to say in here today.

3 Confession, you have to, first of all, acknowledge guilt;  
4 you confess it; you do restitution; and then you plan to go  
5 forward.

6 And that is why I decided to say -- all that I'm going to  
7 say here today is contained in the letter R. The letter R is  
8 the eighteenth letter in the alphabet. And, for me, that  
9 letter R contains four things:

10 The first is remorse; the second is rehabilitation; the  
11 third is restitution; and the fourth is responsibility.

12 And I want to start it off with that remorse, again, like  
13 I said, my action and inactions. Because generally the  
14 tendency is to look at what was done, but also I want to  
15 include what was not done and say that the fraudulent  
16 enterprise that Holy Health turned out to be, I don't want to  
17 make any excuses for those. I don't stand here to make any  
18 excuses, but I stand here to take responsibility.

19 I have come to fully understand that my actions and  
20 inactions have caused harm. It is important -- I was excited  
21 when I heard you asked the government for a victim, because it  
22 would have been nice -- nice is not a good term, but I think in  
23 expressing remorse, the people you really have to express  
24 remorse to are the victims. And in this case, the victims in  
25 this particular instance are homeless persons in D.C. who have

1 mental health challenges.

2 And because the government is trying to provide limited  
3 resources to assist these people, we tried to do that, and  
4 failed woefully, and it's important that I take responsibility  
5 for that action as a member of that team.

6 To say, you know, I should have done better with that, and  
7 to those people who because of this fraud, some must have lost  
8 services. And I'm looking at it and wondering, the government  
9 put it properly, Medicaid is for low-income people.

10 I have been on Medicaid myself. My children are currently  
11 on Medicaid. And I just imagine, with the loss amount, if this  
12 were to impact these people, my kids and the kids of others who  
13 are going to lose Medicaid because of my action, and it feels  
14 really terrible to feel that way.

15 I really wanted to say sorry. I wanted to apologize, to  
16 say this is not -- this healthcare fraud is not something that  
17 should be tolerated.

18 I wanted to register that.

19 It is unforgivable for me to have engaged in Medicare  
20 fraud that deprived others of similar benefits and these acts  
21 by me accepting my punishment. I am ready. I deserve to know  
22 better. I should have known that it is harder for patients to  
23 benefit from these services based on the fraudulent activities.

24 And, again, my actions did not only impact directly the  
25 victims, it also impacted my community. And I would like to

1 crave your indulgence and turn and say a few words to my  
2 community, if you so --

3 **THE COURT:** Sure.

4 **THE DEFENDANT:** And the reason I do this is because I  
5 have built up a community here since 2016. It's a Catholic  
6 community, and it's a community that's supposed to be a  
7 faith-based community. In the faith-based community, you  
8 should not be having -- call it criminals, in that sense.  
9 Well, the church is a welcoming place. Right?

10 The impact on my community is so huge. And I just wanted  
11 to turn around to you all and say, I am sorry. I mean, we'll  
12 all get through this, but I know that I'm going to be a better  
13 person. And I just want you to accept my apology. Bring that  
14 apology to the community.

15 And it's not just this community, because the danger here  
16 is to look at just my immediate community. It's also the  
17 American public.

18 I left Cameroon in 2004, I was running away from political  
19 incidents in Cameroon.

20 The American community welcomed me. They gave me  
21 protection and refuge and gave me opportunities and made me to  
22 be able to thrive.

23 This is not a good way to be able to say thank you to the  
24 American public by going to commit crimes. And I also wanted  
25 to take the opportunity to say to the American public I am

1 sorry.

2 Now, my children are not here today. It is one of the  
3 biggest failures that I consider. I have three beautiful kids.  
4 And anybody who knows me knows that I'm always around my kids.  
5 In fact, I always went to work late every morning. I call it  
6 late, because I always get to work at between 10:00 and 11:00,  
7 because I had to take care of my kids, drop them off at school  
8 and do all of that. I'm always with my kids.

9 And this, you know, is most gut wrenching for me because  
10 I've had to deprive them now of my time, my talent and treasure  
11 because of a crime that I've committed. My children are going  
12 to grow up, I'm going to miss a couple of things with them  
13 because I'm going to be spending time for something -- a crime  
14 that I've committed.

15 It's not so much about making an excuse for them, but I  
16 also have taught them that they need to be responsible kids and  
17 they need to be accountable.

18 And one way of showing them how to be accountable is also  
19 taking responsibility for my actions. I have been able to  
20 explain to them, they don't understand it, but they are bound  
21 to live with that for a while, understanding that Dad made  
22 mistakes, and in life, when you make mistakes, your crime,  
23 you're involved in a crime, you're going to be accountable and  
24 you're going to be responsible.

25 And so I am not -- again, it is my prayer that they will

1 forgive me for putting them through this ordeal. I hope to  
2 show them that taking responsibility is a Christ-like thing to  
3 do. I want to be a positive role model for them going forward.

4 And I've been talking about remorse. I want to talk about  
5 a second one, rehabilitation.

6 I submitted to the Court the release plan. I thought  
7 through that well. Whatever time I'm going to serve, I'm going  
8 to put it into rehabilitation. It is important that -- the  
9 time that I have had to work over the last ten years, I've been  
10 in mental health. I've had opportunities whereby I could have  
11 been more circumspect because of my background.

12 I was engaged -- you know, I always wanted to be a  
13 clinical psychologist. I actually studied clinical psychology.  
14 I started a Ph.D program in clinical psychology. But then  
15 because I was having a family now, I could not continue.

16 But I believe, now since I have this, I enrolled in the  
17 DeVry University in Virginia. They have an online program of  
18 pre-Ph.D clinical psychology.

19 So this time, I'm going to have the time to be able to  
20 complete that as a way of also being able to give back to the  
21 community. Serving as a clinical psychologist helps me because  
22 it helps me to become a better person and I'm also going to be  
23 able to help the community, especially this community that I've  
24 harmed by my actions and inactions.

25 I am hoping that the people that have been victimized

1 through my fraudulent activities over the last six months, I  
2 will be giving back to them by the hours of volunteer.

3 After I left court on the 15th of August, I enrolled -- I  
4 had to look around, and I devoted time to providing services at  
5 the Father McKenna Center in D.C. which serves homeless men.  
6 I've also done some little things with the D.C. government.  
7 But I believe this way a Ph.D process that has been in place,  
8 is going to continue through the time I am going to serve, and  
9 become a better person. I'm hoping by the time I come out  
10 already with a Ph.D in clinical psychology.

11 Having been rehabilitated, I think the most difficult part  
12 is the restitution. I heard the discussion about restitution  
13 and the amounts. Your Honor, I have 20 years in this country.  
14 I've not made up to what the government is claiming, I can say  
15 that. To be able to pay 4.4 million, that's -- that's a  
16 stretch because you can see I'm 50.

17 But because of where I am, I have to start making that  
18 reparation. I have to. And I'm committing that at least  
19 coming out, rehabilitated, finding a good job to be able to  
20 start making those payments to make sure -- to show that I'm  
21 remorseful of my actions. And I promise I'll do my utmost to  
22 be able to make a dent. I intend to log also considerable  
23 hours of volunteer work into the community as a way of that  
24 remorse.

25 Lastly, having come full circle, my redemption has to

1 shine through with me becoming a responsible man, a responsible  
2 father, a responsible citizen. It is not just that I will  
3 never have occasion to come back to this court for criminal  
4 activity, that's a low standard for me to hold myself to, but  
5 that I will become a better person who tries to be the best  
6 version of himself going forward.

7 I have used this time to reflect, to seek forgiveness, and  
8 volunteer in the service of those less fortunate. Though my  
9 actions in this case do not reflect it, I love this country, I  
10 love my community. I will find ways to make positive  
11 contributions and live up to the trusts that will be placed  
12 once again in me.

13 Regardless of my sentence, I will continue to become an  
14 asset to my family and community again. I know I have a long  
15 journey ahead to atone for my crimes, but I am prepared to  
16 begin that process with humility. I am deeply sorry for all I  
17 have done, and I hope this statement makes clear what I accept  
18 as responsibility, remorse for my crimes, and community  
19 reconciliation.

20 I thank you.

21 **THE COURT:** Thank you, Mr. Mbom.

22 Mr. Mbom, I'm going to start with your statement. I have  
23 to say there aren't many people I see who give as much thought  
24 and consideration and sort of a depth of understanding,  
25 especially after you decided to go to trial, about the degree



1 of the harm you've caused and the kind of harm you've caused.

2       You're obviously an incredibly intelligent and well-read  
3 man who I think will use your time really well. And one thing  
4 I encourage you to do is don't necessarily think about prison  
5 as a break between the work you've started and the work you're  
6 going to do when you get out. What I mean by that is, all of  
7 these talents that you have, you're going to be in a population  
8 that desperately needs them.

9       And there is -- because you are an intellectually curious  
10 and sort of man steeped in religion, philosophy, I really do  
11 encourage you to read and think about a concept called  
12 restorative justice, because a lot of what you're talking about  
13 now is that. It would have been, I think, better for all of  
14 us, probably you, if you were able to have done that a bit ago.

15       But the -- the steps that you're taking now really do  
16 speak to that deep understanding of how much damage your crime  
17 caused to the community, and it -- it is at least heartening to  
18 me that you're thinking about ways in which you can make amends  
19 that go beyond just saying you're sorry today. Because it's a  
20 lot often what I hear, and it's often sincere, but it's  
21 surface. You know, it doesn't really get deep into the work.  
22 So I encourage you to keep doing that.

23       And I encourage everyone who is here to keep supporting  
24 your -- your friend and your brother because he's going to need  
25 it. Regardless of what my sentence is, whether it's six months

1 or six hundred months, people who have to pay that time in  
2 prison, certainly everyone wishes it to be shorter, but it's  
3 hard, and it's made harder without a community.

4 A community can build the bridge between Mr. Mbom and his  
5 children and his other loved ones and each other. And so I --  
6 and it helps. It helps in the long run, it helps when Mr. Mbom  
7 gets home, and it helps him to do the work that he promises to  
8 do, which is make amends and to repair as best as he can.

9 So I really do thank you all for being here today, and I  
10 hope you stay with him through this process. So those were my  
11 words of hope.

12 I do need to turn to the law. And the law says that I  
13 must impose a sentence that's sufficient but not greater than  
14 necessary to achieve all the purposes of sentencing.

15 The guidelines are one aspect of that, and so the record  
16 does need to be clear that the guidelines recommend for this  
17 case that I impose a sentence of 135 months on the low end to  
18 188 months, and that's 11 years.

19 Am I getting that right, Counsel? Am I at the right  
20 place?

21 **MR. SARMA:** I think it's 135 to 168.

22 **THE COURT:** I'm sorry, 135 to 168. Sorry about that.  
23 That's still 11 years and change on the low end, and 13-ish on  
24 the high end.

25 You can tell I'm not imposing that sentence. I'm not

1 going anywhere near that sentence for Mr. Mbom. I don't -- I  
2 think that's overly punitive. I don't agree that the  
3 guidelines always get it right, especially when you have, as  
4 both sides have acknowledged, many, many more facts about the  
5 seriousness of the offense and the type of offense, but also  
6 the man who stands before me.

7 So I use it as a benchmark, sort of a -- you know, a  
8 community based or how the guidelines have seen these kinds of  
9 financial crimes. But it's just that, it's one point.

10 With regard to the seriousness of the offense, Mr. Mbom, I  
11 think you know this, like, this is among the most serious. You  
12 acknowledged what the government has said over and over again,  
13 that there's the -- the government is the victim, but the real  
14 victims here are the unseen and the unheard and the  
15 unsupported. And there's just no vulnerable -- more vulnerable  
16 population than them. They needed you and the other  
17 codefendants more than anything, and they got -- they were  
18 used, right?

19 So -- and it went on for years. It went on between  
20 June 2018 to August 2021 was your participation. It resulted  
21 in \$4.5 million of loss. That's just the dollars. But that  
22 also means that all those services were not given.

23 So the sentence does need to be substantial to reflect  
24 that seriousness of the offense and to promote respect for the  
25 law. Because if not -- if not us, then who sends that message

1 that the law must be followed over personal avarice?

2 Deterrence is a tricky one. I hope that since you have  
3 spent the last several months really drilling down on your  
4 acceptance for your part in this, that my sentence will deter  
5 you further.

6 As to general deterrence, I do think it is important to  
7 send a message that in a -- the kind of fraud that this is, the  
8 complexity of it, the vastness of it, and the population that  
9 needed it the most, that the sentence does help people to pick  
10 their heads up and realize that you need to leave, not join, in  
11 the future.

12 To protect the public, I think that the things that we've  
13 talked about just resonate with protecting the public. It does  
14 need to be a substantial sentence. But then I do have to look  
15 at you, and you are 50 years old. Apart from your role in  
16 this, there is no evidence that you have ever committed a crime  
17 like this in the past.

18 I do think that two truths can live in the same space,  
19 which is that you are very much in the thick of it. It went  
20 forward because of you. You took the reigns of this fraud.  
21 You made it happen with your co-conspirators. But you also  
22 have served your community and your family quite admirably.  
23 And there's -- there's no moving away from that.

24 Your acceptance of responsibility is an interesting one to  
25 me. You know, the guidelines are not giving you any credit for

1 acceptance because you went to trial, and you put the  
2 government through its test, and the government had to bring  
3 all of its resources and its energy to bear on a jury. And  
4 you're entitled to that under the Fifth Amendment.

5 But at the same time, you're not getting the benefit under  
6 the guidelines.

7 I do see some benefit, though, and I think it should be  
8 noted, that you have accepted responsibility. One, you are  
9 conserving at least resources with respect to the conviction  
10 and many pretrial issues. I'll be very surprised if an  
11 appellate court sees your acceptance as anything short of a  
12 waiver, and so you've saved the government resources in that  
13 respect.

14 But more importantly to me, or equally important,  
15 you've -- you've done what a lot of folks have -- in your shoes  
16 have been discouraged from doing, like, you can't stand up and  
17 take responsibility, you went to trial.

18 But you've actually run toward the responsibility, and  
19 you've acknowledged that maybe it was your pride, or your  
20 hubris stopped you before. I do credit that. And I think it  
21 is an important development for you and tells me that I can --  
22 it's at least one piece of evidence that perhaps you're quite  
23 serious about not only not never being back here but actually  
24 using this opportunity to do good.

25 You do have a very difficult financial and family

1 situation, and I credit that as well.

2 But I simply cannot go as low as what your counsel has  
3 asked for or what the codefendant in this case has been given,  
4 because she had a constellation of issues that really you don't  
5 have.

6 But I take that into account, because in the end, there  
7 comes a point at which I have to ask myself what is too much  
8 punishment? What goes the other way and actually causes more  
9 harm than good by incarcerating you?

10 And when I look at all of those things, it is, in my view,  
11 based on the evidence, and with a heavy heart, that I impose a  
12 sentence of 60 months custody of the Bureau of Prisons; that's  
13 five years. You will receive credit for time served or good  
14 time as well.

15 My understanding, and I don't weigh in on this, but there  
16 are additional programming options that could reduce that as  
17 well. That's totally up to the Bureau of Prisons. But it  
18 involves education and programming, and I think things that  
19 would be very much of interest and aligned with what you're  
20 telling me today.

21 You'll be then placed on three years of supervised  
22 release. And let me make clear what the -- the breakdown is in  
23 the counts.

24 It's five years as to Count One, 60 months concurrent; 60  
25 months, Count Two; three years of supervised release as to

1 Count One; two years supervised release as to Count Two  
2 concurrent with Count One.

3 And in addition to the standard and mandatory conditions  
4 of supervision, there are the following special conditions:

5 The first is that you pay your financial penalties, which  
6 is a \$200 special assessment and restitution. I will award  
7 restitution in the amount of \$4,450,588.66. It will be made  
8 jointly and severally with the codefendants. Only one has been  
9 sentenced so far, so as of now, that's how the judgment will  
10 read.

11 But as the other judgments come in, it will be, in the  
12 end, clear that it's joint and several as to Mr. Bakari,  
13 Ms. Kabiwa, Mr. Forka, and Mr. Senesie.

14 As part of your criminal monetary penalty, I have to  
15 decide how much you can pay while you're on supervision. We're  
16 going to start with \$300 per month.

17 In the end, the government will also be given, and this is  
18 the last special condition, access. So you must provide access  
19 to the probation officer of any requested financial information  
20 and authorize the release of any financial information. And  
21 that's in part so we can keep track of where you are with  
22 respect to your finances. And if it becomes easier or harder  
23 for you to pay that amount, then we will adjust accordingly.  
24 But I do want probation to have access to those records.

25 There will not be a fine. I recognize that you've got a

1 long service ahead of you, and you have serious financial  
2 obligations, so the fine is waived.

3 Is there any -- or I'm not going to impose it.

4 Is there any aspect of the sentence I've neglected to  
5 address, Mr. Sarma?

6 **MR. SARMA:** Not the sentence, but there is the  
7 preliminary order of forfeiture in this matter.

8 **THE COURT:** Do I have that? Here it is. Okay.

9 Mr. Robbins, any issue with respect to the preliminary  
10 order of forfeiture, which is for the lesser amount, the amount  
11 that the government has put forward as what Mr. Mbom received,  
12 which is \$245,070.75?

13 **MR. ROBBINS:** No objection, Your Honor.

14 **THE COURT:** Okay. So I'm going to sign that order.

15 And, Mr. Mbom, what this means is that there's two kinds  
16 of financial penalties: Restitution and forfeiture.

17 Restitution is the way in which the government can obtain,  
18 for the victims, their losses, the money that they have been  
19 out. And so the victim here really directly is Medicaid.

20 But then forfeiture is the government's ability to get or  
21 keep property or proceeds involved directly with you and your  
22 involvement in the offense, not the larger conspiracy. So that  
23 means that the funds that you received personally are  
24 forfeitable. A preliminary order of forfeiture begins that  
25 process, so I've signed that as well.



1 Mr. Robbins, any aspect of the sentence from your  
2 perspective that I've neglected to address?

3 MR. ROBBINS: Not on the sentence, Your Honor, but we  
4 do have other issues to address, of course.

5 THE COURT: Not on the sentence, though?

6 MR. ROBBINS: Not the sentence.

7 THE COURT: Okay. Any recommendations for  
8 designation or programming?

9 MR. ROBBINS: Yes, Your Honor.

10 THE COURT: Okay.

11 MR. ROBBINS: We would like a designation or a  
12 request for Cumberland or Morgantown.

13 THE COURT: Cumberland?

14 MR. ROBBINS: Cumberland or Morgantown.

15 THE COURT: Okay. And the camps?

16 MR. ROBBINS: That's correct, Your Honor.

17 THE COURT: Any programming, or is Mr. Mbom --

18 MR. ROBBINS: No, we're going to see how we can do at  
19 the institution we're at.

20 Also, on reporting day, I think that pretrial services has  
21 said that he's eligible to stay on release pending self-report.

22 Is there any potential of delaying his reporting date so  
23 that he can get his kids to the end of the school year?

24 THE COURT: So we currently have a March 25th, 2024.  
25 When does school end?

1           **MR. ROBBINS:** The date is -- the 1st of June?

2           **THE DEFENDANT:** No, it's June 5th.

3           **MR. ROBBINS:** June 5th is the last day of school. So  
4 if we could make it the end of June.

5           **THE COURT:** So you're asking for a three-month  
6 extension?

7           **MR. ROBBINS:** A slight delay. That's correct, Your  
8 Honor.

9           **THE COURT:** Government, your position on that?

10          **MR. SARMA:** Assuming that probation doesn't have any  
11 issue with that, there's no objection from the government.

12          **THE COURT:** So, Mr. Mbom, you'll stay on pretrial for  
13 that time, which means none of that time counts towards service  
14 of your service. But you have done well on pretrial service.  
15 You've never -- you have always been here when you're supposed  
16 to, sometimes before any of us, so I don't see any problem with  
17 that. I would much rather you get your kids settled.

18          But, that said, you've got to be a Boy Scout on pretrial.  
19 There can't be any issue. And if I learn of any issues, and I  
20 find that to be the case, then I will revoke your pretrial and  
21 that can affect your security level.

22          Does that make sense?

23          **THE DEFENDANT:** Yes, Your Honor.

24          **THE COURT:** Okay. So we will make -- is that a four  
25 that I see there? June 24?

1           **DEPUTY CLERK:** Correct.

2           **THE COURT:** Okay. Then I'm going to do July 1 will  
3 be your report date. So what that means, Mr. Mbom, is between  
4 now and then, you should receive your designation from the  
5 Bureau of Prisons. Plenty of time.

6           If you don't, you are to report to this courthouse by  
7 2:00 p.m. on July 1.

8           The likelihood is through Mr. Robbins you'll learn where  
9 you're supposed to self-report on that day, and you'll go right  
10 to the facility.

11          Mr. Robbins, if there's any issues in that regard, just  
12 let me know and we'll deal with it.

13          **MR. ROBBINS:** Understood, Your Honor.

14          **THE COURT:** Okay. Anything that we need to address  
15 from the sentence perspective?

16          **MR. ROBBINS:** No, Your Honor.

17          **THE COURT:** Okay. So, Mr. Mbom, you do retain the  
18 right to appeal. You can appeal -- you can appeal anything and  
19 everything that happened in this case. You don't have a plea  
20 agreement. And I would advise you to speak to Mr. Robbins  
21 about your right to appeal as quickly as possible because you  
22 have to note your appeal within 14 days.

23          Do you understand that?

24          **THE DEFENDANT:** Yes, Your Honor.

25          **THE COURT:** And with that, is there anything else?

1           **MR. SARMA:** At this point, Your Honor, the government  
2 would ask Mr. Mbom to dismiss the counts in the original  
3 indictment, as well as in the first superseding indictment.

4           **THE COURT:** So I have written here count to dismiss,  
5 Counts One and Two of the superseding indictment, and Count  
6 Three of the second superseding indictment.

7           **MR. SARMA:** Oh, sorry, I apologize. Yes, he was not  
8 in the first. Yes, that is correct, Your Honor.

9           **THE COURT:** Okay. All right. So --

10          **MR. SARMA:** Thank you, Mr. Ulander, for correcting  
11 me.

12          **THE COURT:** Dismissal of Counts One and Two of the  
13 superceding indictment, Count Three of the second superceding  
14 indictment, and I grant that motion.

15          **MR. SARMA:** Thank you, Your Honor.

16          **THE COURT:** Anything else?

17          **MR. ROBBINS:** No, Your Honor.

18          **THE COURT:** All right. Thank you all. And good luck  
19 to you, Mr. Mbom.

20          **MR. ROBBINS:** Thank you, Your Honor.

21          **THE DEFENDANT:** Thank you, Your Honor.

22          **DEPUTY CLERK:** All rise. This Honorable Court now  
23 stands adjourned.

24               (Proceedings concluded at 12:57 p.m.)  
25

CERTIFICATE OF OFFICIAL REPORTER

I, Paula J. Leeper, Federal Official Court Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 15th day of March 2024.

*/S/ Paula J. Leeper*

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Paula J. Leeper  
Federal Official Reporter